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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,332	12/31/2003	Ellen O. Aeling	59054US002	4681
32692	7590	03/28/2005	EXAMINER	
3M INNOVATIVE PROPERTIES COMPANY PO BOX 33427 ST. PAUL, MN 55133-3427			BLACKMAN, ROCHELLE ANN J	
			ART UNIT	PAPER NUMBER
			2851	

DATE MAILED: 03/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/750,332

Applicant(s)

AELING ET AL.

Examiner

Rochelle Blackman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/12/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-16 and 20-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Hill (U.S. Patent No. 4,673,609).

Hill discloses a dual display system (FIGS. 1-32) comprising: a graphic article (silhouette pattern – see col. 17, lines 46-52, for example see 33) providing a first display in a first lighting condition; and a projection system (the apparatus or system that projects the colored lights or images - col. 17, lines 46-52) providing a second display (colored light or images projected on the other side of the silhouette pattern – see col. 17, lines 46-52, for example see 14) in a second lighting condition; wherein the graphic article is a unidirectional graphic article (see 14 and col. 2, lines 9-13); wherein the graphic article is a perforated imaged film (see 14); wherein the first lighting condition is a high brightness viewing condition and the second lighting condition is a low brightness viewing condition (see col. 2, lines 50-65, col. 3, lines 4-9, col. 5, lines 16-37, and see col. 17, lines 30-45); wherein the projection system comprises a projector (the “projector” is considered to be the apparatus that projects the colored lights or images onto the white or light areas on one side of the silhouette pattern – see

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col. 17, lines 46-52) and a diffuser screen (see 10 and 12); wherein the projector is computer controlled (also see col. 17, lines 46-52); wherein the graphic article (for example, 14) is attached to an inside surface of a window substrate (see 22) and the diffuser screen (see 10 or 12) is attached between the graphic article and the projector; wherein the graphic article (for example 14) is attached to an outside surface of a window substrate (see 22) and the diffuser (see 10 or 22) is attached to an inside surface of the window substrate; wherein the diffuser screen is a diffusing window substrate (see 10 or 12) and the graphic article (for example, 14) is attached to an outside surface of the window substrate (see 10 or 12); wherein the projection system is a television/computer display (also see col. 17, lines 46-52); wherein the second display provided by the projection system is at least one fixed image (for example, see 14); wherein the second display provided by the projection system is a full motion video (also see col. 17, lines 46-52); wherein the first display conveys information relevant to a time period associated with the first lighting condition and the second display conveys information relevant to a time period associated with the second lighting condition/ wherein the high brightness condition is daylight and the low brightness condition is nighttime (see col. 8, lines 35-46). Method claims are similarly met by the features and functions of the above-mentioned elements.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hill (U.S. Patent No. 4,673,609) in view of Yamashita (EP Patent No.0041390).

Hill discloses the claimed invention except for the graphic article having a perforation of 10%-70% and the diffuser screen has a transmission of 20%-90%; the graphic article having a perforation of about 40%-50% and the diffuser screen having a transmission of about 50%-70%; and the graphic article having a perforation of about 40% and the diffuser screen has a transmission of about 60%.

Yamashita teaches providing a graphic article (3), attached to a diffuser screen (8), having a ratio of the area occupied by apertures to the area other than apertures falling with a range between 30:70 and 40:60 and a graphic article (28), attached to a diffuser screen (8), having a ratio between opaque area and transparent area that generally ranges between 75:25 and 65:35.

It would have been obvious to one ordinary skill in the art at the time the invention was made to provide the Hill reference with graphic articles having the above ratios falling between 30:70 and 40:60 or 75:25 and 65:35, as taught by Yamashita for purpose of enabling various patterns of advertisement display to be obtained on a single apparatus (see abstract and pg. 1, lines 1-10).

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rochelle Blackman whose telephone number is (571) 272-2113. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RB

RODNEY FULLER  
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read 'R. Fuller', is written over the printed name of the examiner.